

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID J. CARPENTER,  
Petitioner,

v.

ROBERT L. AYERS, Jr., Warden of  
California State Prison at San Quentin,  
Respondent.

NOS. C 98-2444 MMC  
C-00-3706 MMC

ORDER DENYING MOTION  
FOR A CERTIFICATE OF  
APPEALABILITY


**DEATH PENALTY CASES**

Petitioner has filed a notice of appeal to the Ninth Circuit. Petitioner intends to appeal certain language in a Protective Order entered by this Court on August 21, 2008.

In conjunction with his appeal, petitioner has filed a motion for a certificate of appealability. By order filed September 12, 2008, this Court concluded that petitioner was not entitled to appeal the Protective Order. As a result, this Court declines to issue a certificate of appealability and, accordingly, petitioner's motion is hereby DENIED.

**IT IS SO ORDERED.**

DATED: September 16, 2008

  
MAXINE M. CHESNEY  
UNITED STATES DISTRICT JUDGE